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November 22, 2022

BY ECF

Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Martinez v. City of New York, et al.*, 16 CV 79 (NRM) (CLP)

Your Honor:

I represent plaintiff in the above-referenced matter. I write to advise the Court of an unfortunate development and to respectfully request: (1) a brief adjournment of the trial; and (2) leave for plaintiff's trial counsel Wayne Wattley, Esq., to appear remotely at the pre-trial conference on November 28, 2022. Before writing the instant letter, the undersigned sought the consent of defense counsel and was informed that defendants will oppose the request.

Plaintiff's case at trial will be presented by Wayne Wattley, a partner of this firm. Mr. Wattley recently suffered a loss when a dear friend and fraternity brother was killed in a car accident. Mr. Wattley will be traveling out of state for a funeral taking place on Saturday, November 26, 2022, to be followed by memorial services. He is scheduled to return to New York on November 29, 2022, the day before the trial is set to commence. Given his bereavement, Mr. Wattley will be unable to adequately prepare for a trial of this magnitude on the day of his return.

In order to minimize the impact of this unfortunate development, Mr. Wattley is prepared to attend the final pre-trial conference remotely (Ms. Fett and the undersigned will appear in person) and plaintiff respectfully requests leave for him to do so. Mr. Wattley is also prepared, subject to the Court's approval and availability, to begin the trial on Monday, December 5, 2022.

If it should please Court, plaintiff apologizes to the Court and defendants for the disruption associated with this development. To the extent it is relevant to the Court's consideration of this request, plaintiff respectfully notes that the revised proposed Joint

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Pre-Trial Order has significantly fewer witnesses and exhibits than previously contemplated and plaintiff will make every effort to present the case as efficiently as possible.

Accordingly, plaintiff respectfully requests that the trial be adjourned to December 5, 2022 and that Mr. Wattley be permitted to attend the final pre-trial conference remotely.

Thank you for your consideration of this request.

Respectfully submitted,


Gabriel P. Harvis

cc: Defense Counsel